

Court. So we are going to get a lot of questions settled, a lot of law questions settled, in the *Raines* case, and in the two *Hannah* cases, from Louisiana, and in *United States v. Alabama*.

MR. McCULLOUGH. Mr. Chairman, I know that it is always foolhardy and sometimes dangerous to disagree with an expert. In order that silence will not indicate that I agree with Mr. Bloch's statement concerning the necessity of a person who has been denied his rights guaranteed by the Constitution, exhausting all State remedies, I want the record to show that I do not agree with the statement of the distinguished gentleman from Georgia. I do not believe that a person, who has been denied his constitutional rights because of his color, has to exhaust State remedies when a State registrar, acting under the color of law, denies him the right to vote.

I just wanted to make my opinion clear for the record.

MR. BLOCH. Mr. McCullough, *Reddix v. Lucky* is one of the cases that discusses what Mr. McCullough is talking about. In that case, as well as some other cases from the fifth circuit, it held that the colored people did not have to exhaust their administrative remedies, but that is not what I am talking about, sir.

MR. McCULLOUGH. Well, Mr. Chairman, might I interrupt again?

It is my opinion that such persons are neither required to exhaust their administrative remedies in the State administrative processes, nor their legal remedies in the State courts, if the discrimination which I mentioned is present.

I just want the record to show that there is disagreement on what the law is, even if disagreeing requires one to differ with an expert.

MR. BLOCH. Well, we had a very famous lawyer in Georgia make a statement once that has become quite a classic in Georgia—that it is the clash of mind on mind which causes the spark of truth to scintillate.

MR. McCULLOUGH. Well, I think that is the case. That is really what we are here for.

MR. MEADER. Mr. Chairman, I would like to pursue a little different line of inquiry with the witness.

Mr. Bloch, the Federal district court has the right to appoint referees, isn't that clear, without any new legislation?

MR. BLOCH. In a proper case, under rule 53 (a) (b) (c) and (d), I think it is, presently regulates the right of the Federal court to appoint masters. I do not know why they changed the name from master to referee. I have an idea. But that governs the procedure.

MR. MEADER. Now, would the court, under existing law and rule 53, have the right to appoint masters or referees for the purpose of taking evidence to determine whether or not the decree previously entered should be amended, possibly expanded, or modified, in some way?

MR. BLOCH. I am afraid I did not get your question.

MR. MEADER. Let us assume that a court has entered a decree, that it may be in such broad terms that the court might desire to have it made more specific. But to do so, the court needed a factual foundation to make that decree more specific.

Would there be any reason why the court could not appoint a referee or a master for that purpose?

MR. BLOCH. I think they would. If you care to, sir, I think the latest expression on the right of Federal courts to appoint masters in equity cases is in a case which appears on my memorandum, *In Re*